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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,524	04/26/2006	Zvi Barzilai	142 06 01 NP US	2186
36131	7590	11/13/2009	EXAMINER	
YORAM TSIVION			COMSTOCK, NATHAN	
P.O. BOX 1307				
PARDES HANNA, 37111			ART UNIT	PAPER NUMBER
ISRAEL			1794	
			NOTIFICATION DATE	DELIVERY MODE
			11/13/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/595,524	BARZILAI, ZVI
	<b>Examiner</b>	<b>Art Unit</b>
	NATHAN E. COMSTOCK	1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-5 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 01/13/2009 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment to the claims filed on 04 June 2006 does not comply with the requirements of 37 CFR 1.121(c) and has not been entered because the claims do not include indications of changes made and do not include appropriate status identifiers, ((Original), (Currently Amended), etc.). Amendments to the claims filed on or after July 30, 2003 must comply with 37 CFR 1.121(c) which states:

(c) *Claims.* Amendments to a claim must be made by rewriting the entire claim with all changes (e.g., additions and deletions) as indicated in this subsection, except when the claim is being canceled. Each amendment document that includes a change to an existing claim, cancellation of an existing claim or addition of a new claim, must include a complete listing of all claims ever presented, including the text of all pending and withdrawn claims, in the application. The claim listing, including the text of the claims, in the amendment document will serve to replace all prior versions of the claims, in the application. In the claim listing, the status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), and (Not entered).

(1) *Claim listing.* All of the claims presented in a claim listing shall be presented in ascending numerical order. Consecutive claims having the same status of “canceled” or “not entered” may be aggregated into one statement (e.g., Claims 1–5 (canceled)). The claim listing shall commence on a separate sheet of the amendment document and the sheet(s) that contain the text of any part of the claims shall not contain any other part of the amendment.

(2) *When claim text with markings is required.* All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of “currently amended,” and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. Only claims having the status of “currently amended,” or “withdrawn” if also being amended, shall include markings. If a withdrawn claim is currently amended, its status in the claim listing may be identified as “withdrawn—currently amended.”

(3) *When claim text in clean version is required.* The text of all pending claims not being currently amended shall be presented in the claim listing in clean version, i.e., without any markings in the presentation of text. The presentation of a clean version of any claim having the status of “original,” “withdrawn” or “previously presented” will constitute an assertion that it

has not been changed relative to the immediate prior version, except to omit markings that may have been present in the immediate prior version of the claims of the status of "withdrawn" or "previously presented." Any claim added by amendment must be indicated with the status of "new" and presented in clean version, i.e., without any underlining.

*(4) When claim text shall not be presented; canceling a claim.*

(i) No claim text shall be presented for any claim in the claim listing with the status of "canceled" or "not entered."

(ii) Cancellation of a claim shall be effected by an instruction to cancel a particular claim number. Identifying the status of a claim in the claim listing as "canceled" will constitute an instruction to cancel the claim.

*(5) Reinstatement of previously canceled claim.* A claim which was previously canceled may be reinstated only by adding the claim as a "new" claim with a new claim number.

2. It is requested that Applicant resubmit the amendment in proper form, as appropriate.

***Claim Objections***

3. Claims 3 and 4 are objected to because of the following informalities: Claim 3 recites the acronym "MDF." For purposes of clarity, "MDF" should be written out as "medium density fiberboard" or the like. Claim 4 recites the acronym "XPB." It appears that Applicant intended "XPS." For purposes of clarity, "XPB" or "XPS" should be written out as "extruded polystyrene" or the like. Claim 4 also recites the acronym "EPB." For purposes of clarity, "EPB" should be written out as "expanded polystyrene beads" or the like. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 3-4 rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 4,254,178 to Church et al.

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6. Church discloses a building panel 10 (corresponding to Applicant's board for the construction industry) comprising an insulative core 16 (corresponding to Applicant's base board) and an outer layer 14 (corresponding to Applicant's coating/substantially thin layer of coating material), wherein the insulative core may be styrofoam (styrofoam is a well known extruded polystyrene foam, corresponding to Applicant's XPB polystyrene) (col. 1, line 62 to col. 2, line 12). Styrofoam is also a plastic, corresponding to Applicant's base board made of plastic. As can be seen in FIG. 1, the external surface of outer layer 14 (i.e. the surface facing away from the core) has a surface area higher than the surface area of the inner surface of the outer layer 14 (i.e. the surface adjacent the core) due to the texture on the outer surface.

7. Therefore, claims 1 and 3-4 are rejected over the cited art.

8. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 4,310,370 to Arai et al.

9. Arai discloses a decorative article that may be used as an architectural material (corresponding to Applicant's board for the construction industry) (col. 12, lines 7-13). The decorative article comprises a decorative layer 5 (corresponding to Applicant's coating/substantially thin layer of coating material) and a base material 4 (corresponding to Applicant's base board) (col. 3, line 60 to col. 4, line 5 and FIG. 5b). As can be seen in FIG. 5b, the external surface of decorative layer 5 (i.e. the surface facing away from the base material 4) has a surface area higher than the surface area of the inner surface of the decorative layer 5 (i.e. the surface adjacent the base material 4) due to the unevenness pattern on the outer surface, and the unevenness pattern creates dome shaped protrusions (corresponding to Applicant's plurality of tiny dome - shaped protuberances on the external surface).

10. The base board may be made of plastics boards (corresponding to Applicant's base board of plastic) or various fiber boards (corresponding to Applicant's MDF) among others (col. 4, line 36-49).

11. Therefore, claims 1-3 are rejected as anticipated by the cited art.

***Claim Rejections - 35 USC § 102/103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

14. Claim 5 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Pat. No. 4,310,370 to Arai et al.

15. Arai discloses a decorative article as described in the 35 U.S.C. 102(b) rejection of claims 1-3 as anticipated by Arai, *supra*.

16. Arai also discloses that the decorative material 5 (corresponding to Applicant's coating/coating material 5 comprises a hydraulic substance, such as cement (corresponding to Applicant's cement), and additives (col. 4, line 64 to col. 5, line 1), and may also include natural

or synthetic resins (col. 5, lines 7-10). The natural or synthetic resins may include resins which are inherently adhesive, such as thermoplastic resins (col. 5, lines 24-38, thermoplastic resins are usable as hot melt adhesives, corresponding to Applicant's plastic adhesive), several acrylates and methacrylates (col. 5, lines 41-45, acrylates and methacrylates are a well known class of pressure-sensitive adhesives, corresponding to Applicant's plastic adhesive), natural rubbers (col. 5, lines 57-58, natural rubbers are contact adhesives, corresponding to Applicant's plastic adhesives), and epoxy resins (col. 5, lines 50-53, epoxy resins are well known adhesive resins, corresponding to Applicant's plastic adhesive), among others.

17. It would have been obvious to one of ordinary skill in the art at the time of the invention to use one of the inherently adhesive resins (such as epoxy resin) disclosed by Arai as the resin in the decorative material 5. One of ordinary skill in the art would have been motivated to do so because Arai teaches that the inherently adhesive resins are usable as the resins of the decorative material 5.

18. Therefore, claim 5 is anticipated by, or in the alternative obvious over, the cited art.

### *Conclusion*

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHAN E. COMSTOCK whose telephone number is (571) 270-1133. The examiner can normally be reached on Monday through Thursday, 9am-6pm Eastern Standard Time.

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample can be reached on (571) 272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David R. Sample/  
Supervisory Patent Examiner, Art Unit 1794

/N.E.C./  
Nathan E. Comstock  
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3 November 2009